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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,356	02/26/2004	Jay S. Walker	3718582-00103	4853

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EXAMINER	
PINHEIRO, JASON PAUL	

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
03/15/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary	Application No.	Applicant(s)	
	10/787,356	WALKER ET AL.	
	Examiner	Art Unit	
	Jason Pinheiro	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12/30/2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10 and 21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/30/2009*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. After the amendments filed 12/23/2009, claims 1-10 and 21 have been amended and claims 11-20 and 22-25 have been cancelled. Therefore, claims 1-10 and 21 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1- are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 2004/0102238) in view of Yoseloff (US 6312334).

Regarding claim 1: Taylor discloses (a) causing at least one processor to execute a plurality of instructions to initiate a secondary game at a gaming device, a play of the secondary game being based on at least one outcomes of a plurality of plays of a primary game (paragraph [0073]); (b) at a first point in time, causing the at least one processor to execute the plurality of instructions to determine a first game situation of a game, the first game situation including a first amount of time available for completing the game (paragraph [0068]); (c) causing the at least one processor to execute the plurality of instructions to randomly determine, based on a random number generator, a first outcome (paragraph [0072], paragraph [0102]); and (d) at a second, subsequent point in

time, causing the at least one processor to execute the plurality of instructions to determine, a second game situation of the game, said second game situation being based on the first .game situation and the randomly determined first outcome (paragraph [0072]), the second game situation including a second amount of time available for completing the game (paragraph [0072]) wherein a difference between the first amount of time available for completing the game and the second amount of time available for completing the game is different than an amount of elapsed time between the first point in time and the second point in time (paragraph [0072]); and (e) when an amount of time available to complete the.qame reaches a desiqnated amount of time: (i) causing the at least one processor to execute the plurality of instructions to determine whether to provide any awards for any generated game outcomes (paragraph [0069]); and (ii) causinq the at least one processor to execute the plurality of instructions to cause the game to end (paragraph [0069]). However, Taylor does not disclose implementing the game as a secondary game.

Yoseloff discloses a gaming device which can implement any wagering game as a primary or secondary game (Col. 7, Lines 1-18).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Yoseloff into the teachings of Taylor in order to yield the predictable result of creating a more profitable gaming device for gaming operators, by increasing the time players spend playing the gaming device, thereby increasing the likelihood that the players will spend more money

on the gaming device, as well on other aspects of the operators casino (Taylor, paragraph [0016]).

Regarding claim 2: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that the first randomly determined outcome is associated with a reduction of the first amount of time available for completing the secondary game (paragraph [0072], paragraph [0075] – paragraph [0077]); said reduction of the first amount of time available for completing the secondary game being independent of any amount of time elapsed in the secondary flame (paragraph [0072], paragraph [0075] – paragraph [0077]).

Regarding claim 3: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that the difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is greater than the amount of elapsed time between the first point in time and the second point in time (paragraph [0069], paragraph [0072]).

Regarding claim 4: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that the difference between the first amount of time available for completing the secondary game and the second amount of time available for completing the secondary game is equal to the sum of: d) the amount of time reduced from the first amount of time available for completing the secondary game, and (ii) the amount of elapsed time between the first point in

time and the second point in time (paragraph [0069], paragraph [0072], paragraph [0075] – paragraph [0077]).

Regarding claim 5: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that the first amount of time available for completing the secondary game is a first amount of time available for completing a first number of additional plays of the primary game (paragraph [0068]).

Regarding claim 6: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that the second amount of time available for completing the secondary game is a second amount of time available for completing a second number of additional plays of the primary game (paragraph [0068]).

Regarding claim 7: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that a difference between the second number of additional plays of the primary game and the first number of additional plays of the primary game is one additional play of the primary game handle pulls (paragraph [0069]).

Regarding claim 10: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses receiving an initiation signal from a player (paragraph [0069]); causing the at least one processor to execute the plurality of instructions to generate one of a plurality of different random numbers (paragraph [0069], paragraph [0085], paragraph [0102]); causing the at least one processor to execute the plurality of instructions to determine one of a plurality of

different outcomes based on the generated random number (paragraph [0069], paragraph [0085], paragraph [0102]), the determined outcome being associated with at least one symbol of a set of symbols (paragraph [0069], paragraph [0071]); causing the at least one processor to execute the plurality of instructions to cause a set of reels to spin, the set of reels being associated with the set of symbols (paragraph [0069]); and causing the at least one processor to execute the plurality of instructions to cause stopping the set of reels to stop spinning such that the at least one symbol of the set of symbols that is associated with the determined outcome displayed to the player (paragraph [0069]).

Regarding claim 10: Taylor and Yoseloff disclose that which is discussed above. Taylor further discloses that a prepayment for the plurality of plays of the primary game is received prior to an initiation of the secondary game, the prepayment being distinct from an addition of credits to a balance of credits available for wagering on the primary game (paragraph [0069]).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 2004/0102238) in view of Yoseloff (US 6312334) as applied to claim 1 above, and further in view of Seelig et al. (US 5,997,400).

Taylor and Yoseloff disclose that which is discussed above. However, neither Taylor nor Yoseloff disclose that the first amount of time available for completing the secondary game is a first amount of time available for a game character to reach a destination in the secondary game.

Seelig discloses that the first amount of time available for completing the secondary game is a first amount of time available for a game character (22) to reach a destination (the Win/Finish line, as depicted in Fig. 1) in the secondary game (Col. 3-4, lines 66-13).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Seelig into the teachings of Taylor and Yoseloff in order to yield the predictable result of creating a more profitable gaming device for gaming operators, by increasing the time players spend playing the gaming device, thereby increasing the likelihood that the players will spend more money on the gaming device, as well on other aspects of the operators casino (Taylor, paragraph [0016]).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 2004/0102238) in view of Yoseloff (US 6312334) as applied to claim 1 above, and further in view of Hedrick et al. (US 6,368,216).

Taylor and Yoseloff disclose that which is discussed above. However, neither Taylor nor Yoseloff disclose that the first amount of time available for completing the secondary game is a first amount of time available to obtain a target number of game indicia.

Hedrick teaches a method of playing a secondary game in which the object is to obtain a certain number of symbols (1217) (Fig. 12A; Col. 21, lines 32-45).

Therefore, it would have been obvious to one skilled in the art at the time of the invention to integrate the teachings of Hedrick into the teachings of Taylor and Yoseloff in order to yield the predictable result of creating a more profitable gaming device for gaming operators, by increasing the time players spend playing the gaming device, thereby increasing the likelihood that the players will spend more money on the gaming device, as well on other aspects of the operators casino (Taylor, paragraph [0016]).

Response to Arguments

6. Applicant's arguments with respect to claims 1-10 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Pinheiro whose telephone number is (571)270-1350. The examiner can normally be reached on M - F 8:00 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3714

/J. P./
Examiner, Art Unit 3714